

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOANN DAVIS, a/k/a JOSEPHINE DAVIS,  
CLARA EVANS and ANGELA HAMILTON,

Defendant-Appellant.

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UNPUBLISHED

January 27, 2005

No. 250911

Wayne Circuit Court

LC No. 03-005551-01

Before: Zahra, P.J., and Neff and Cooper, JJ.

PER CURIAM.

Defendant appeals as of right her bench trial conviction for armed robbery, MCL 750.529. Defendant was sentenced to 10 ½ to 18 years in prison for the armed robbery conviction. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole issue on appeal is that the prosecution failed to present sufficient evidence to support her conviction. We disagree.

Where there is an insufficiency of the evidence claim this Court's review is de novo. *People v Lueth*, 253 Mich App 670, 680; 660 NW2d 322 (2002). This Court must determine whether, viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could find that the prosecution proved all of the essential elements of the crime beyond a reasonable doubt. *People v Bulmer*, 256 Mich App 33, 36; 662 NW2d 117 (2003).

To establish the elements of armed robbery, the prosecution must show: 1) an assault, 2) a felonious taking of property from the victim's presence or person, and 3) that the taking occurred while the defendant was armed with a dangerous weapon. *People v Watkins*, 247 Mich App 14, 33; 634 NW2d 370 (2001). To establish the existence of an assault, the prosecutor must prove that the defendant made either an attempt to commit a battery or an unlawful act that places another in reasonable apprehension of receiving an immediate battery. *Id.*

Also, an aiding and abetting conviction requires proof beyond a reasonable doubt that: 1) the underlying offense was committed by either the defendant or some other person, 2) the defendant performed acts or gave encouragement that aided in the commission of the offense, and 3) the defendant either intended the commission of the offense or knew that the principal

intended its commission at the time of giving aid or encouragement. *People v Smielewski*, 235 Mich App 196, 207; 596 NW2d 636 (1999). The phrase aiding and abetting describes all forms of assistance rendered to the perpetrator of the crime. The quantum of aid or advice is immaterial as long as it had the effect of inducing the crime. *People v Lawton*, 196 Mich App 341, 352; 492 NW2d 810 (1992).

Defendant and an accomplice approached the victim and asked if she wanted to make a million dollars. When the victim declined the offer, defendant's accomplice pulled a knife and demanded that the victim give the accomplice all the money in the victim's pocket. While the three were standing outside of the vehicle, the victim gave the accomplice the \$1,800 that she had in her pocket. The accomplice popped the lock on the vehicle as the victim got into the vehicle, allowing defendant to get into the back seat of the vehicle.

While defendant was in the back seat, telling the victim she had a gun, the accomplice walked around the vehicle and got in on the passenger's side. The victim felt helpless and "very, very afraid" when she found out the accomplice had a knife and defendant purportedly had a gun. The accomplice continued to brandish the knife and took a bracelet and a ring from the victim. Defendant and the accomplice left the scene together and did not go in separate directions.

Defendant contends that the victim's testimony is questionable and insufficient evidence to convict. However, it is not within the province of this Court to interfere with the factfinder's role in determining the weight of evidence or credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992). The trial court found the witness credible and ruled accordingly. Therefore, viewing the evidence in a light most favorable to the prosecution, there was sufficient evidence to convict defendant of aiding and abetting an armed robbery.

Affirmed.

/s/ Brian K. Zahra  
/s/ Janet T. Neff  
/s/ Jessica R. Cooper